



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

May 14, 2010

Mr. James F. Tolen
Conservancy Resources, LLC
7100 Eagle Crest Boulevard
Evansville, Indiana 47715

Dear Mr. Tolen:

Re: Modification Request for
NPDES General Permit No. ING040010
IDNR Permit Nos. S-0332; S-0268; S-0266; S-0329
Conservancy Resources, LLC- Hawthorn Mine
10001 South County Road 900 East
Carlisle, Indiana 47838
Sullivan County

The NPDES permit application submittal dated April 7, 2010, submitted by Mr. Allen K. Eicher on your behalf, to request modification of the above-referenced permit, has been reviewed. The submittal requested the removal of Outfall 002 (latitude 38°, 58', 00", longitude 87°, 15', 30") and Outfall 014 (latitude 38°, 58', 60", longitude 87°, 14, 45"), both discharging to Spencer Creek, Outfall 003 (latitude 38°, 57', 05", longitude 87°, 16', 45"), Outfall 015 (latitude 38°, 55', 40", longitude 87°, 15, 45") Outfall 016 (latitude 38°, 55', 30", longitude 87°, 16', 05") and Outfall 017 (latitude 38°, 55', 60", longitude 87°, 16, 05"), all discharging to Pollard Ditch, and Outfall 029 (latitude 38°, 56', 40", longitude 87°, 17', 32"), Outfall 030 (latitude 38°, 56', 35", longitude 87°, 18', 15"), Outfall 032 (latitude 38°, 56', 40", longitude 87°, 18, 40"), and Outfall 035 (latitude 38°, 56', 45", longitude 87°, 17, 45"), all discharging to Maria Creek, from the permit. The request has been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. Our office has received confirmation from the IDNR in Jasonville, Indiana that the basins associated with the above-referenced outfalls have been fully reclaimed. Therefore your petition to delete the referenced existing NPDES discharge points has been approved in accordance with Indiana Rules promulgated under 327 IAC15-7. Coverage for the facility will now include the outfalls listed in the first table of Attachment 1.

The NPDES general permit identification number assigned to this facility in the previous approval will continue to apply, as will all other testing and reporting that are required under 327 IAC 15-7 using the forms that were sent to you previously. Should you need additional copies of this form it is also available on the internet at the following web site:

<http://www.in.gov/idem/5104.htm>

Mr. James Tolen
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327 IAC 15-7 is also available on the internet at the following website:

<http://www.in.gov/idem/4087.htm>

Additionally, you will continue to receive the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at 317-232-8670.

These modifications shall become effective on June 1, 2010, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under 327 IAC 15-7 for all remaining outfalls remains effective, and will expire on July 31, 2014. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that any person who is adversely affected or aggrieved by approval under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this approval with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our office at (317) 232-8703.

Sincerely,



Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

Slj/
cc: Sullivan County Health Department

ATTACHMENT 1

Conservancy Resources, LLC- Hawthorn Mine

NPDES PERMIT NO. ING040010

IDNR PERMIT NOS. S-0332; S-0268; S-0266; S-0329

EFFECTIVE DATE: June 1, 2010

OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
004	S-268 004	38°, 55', 60"	87°, 13', 30"	Reclamation	Singer Ditch
005	S-268 005	38°, 55', 35"	87°, 13', 55"	Reclamation	Singer Ditch

The following outfalls have been removed and are no longer covered under this permit:

001	S-329 001	38°, 58', 07"	87°, 15', 33"	Outfall removed	Spencer Creek
002	S-266 002	38°, 58', 00"	87°, 15', 30"	Reclamation	Spencer Creek
003	S-268 003	38°, 57', 05"	87°, 16', 45"	Reclamation	Pollard Ditch
006	S-329 006	38°, 56', 45"	87°, 15', 45"	Reclamation	Pollard Ditch
007	S-332 007	38°, 58', 30"	87°, 16', 52"	Reclamation	Middle Fork Creek
008	S-332 008	38°, 57', 15"	87°, 16', 55"	Reclamation	Pollard Ditch
009	S-332 009	38°, 55', 60"	87°, 16', 45"	Reclamation	Pollard Ditch
010	S-332 010	38°, 55', 50"	87°, 16', 55"	Reclamation	Pollard Ditch
011	S-332 011	38°, 55', 60"	87°, 15', 25"	Reclamation	Pollard Ditch
012	S-332 012	38°, 58', 30"	87°, 17', 07"	Outfall removed	Spencer Creek
013	S-332 013	38°, 58', 30"	87°, 17', 07"	Outfall removed	Spencer Creek
014	S-266 014	38°, 58', 60"	87°, 14', 45"	Reclamation	Spencer Creek
015	S-268 015	38°, 55', 40"	87°, 15', 45"	Reclamation	Pollard Ditch

016	S-268 016	38°, 55', 30"	87°, 16', 05"	Reclamation	Pollard Ditch
017	S-268 017	38°, 55', 60"	87°, 16', 05"	Reclamation	Pollard Ditch
019	S-266 019	39°, 0', 0"	87°, 16', 0"	Outfall removed	Middle Fork
020	S-266 020	39°, 0', 0"	87°, 16', 15"	Outfall removed	Middle Fork
021	S-266 021	39°, 0', 0"	87°, 16', 60"	Outfall removed	Middle Fork
022	S-266 022	39°, 0', 30"	87°, 17', 25"	Outfall removed	Middle Fork
023	S-266 023	39°, 0', 25"	87°, 17', 27"	Outfall removed	Middle Fork
024	S-332 024	38°, 60', 25"	87°, 17', 30"	Reclamation	Middle Fork Creek
025	S-332 025	38°, 60', 25"	87°, 15', 45"	Reclamation	Middle Fork
026	S-266 026	38°, 59', 55"	87°, 17', 30"	Outfall removed	Middle Fork
027	S-268 027	38°, 56', 17"	87°, 17', 50"	Outfall removed	Maria Creek
028	S-268 028	38°, 56', 20"	87°, 18', 5"	Outfall removed	Maria Creek
029	S-268 029	38°, 56', 40"	87°, 17', 32"	Reclamation	Maria Creek
030	S-268 030	38°, 56', 35"	87°, 18', 15"	Reclamation	Maria Creek
031	S-268 031	38°, 56', 35"	87°, 17', 60"	Outfall removed	Maria Creek
032	S-268 032	38°, 56', 40"	87°, 18', 40"	Reclamation	Maria Creek
033	S-268 033	38°, 56', 25"	87°, 18', 45"	Outfall removed	Maria Creek
034	S-268 034	38°, 56', 30"	87°, 18', 55"	Outfall removed	Maria Creek
035	S-268 035	38°, 56', 45"	87°, 17', 45"	Reclamation	Maria Creek
036	S-268 036	38°, 55', 60"	87°, 18', 55"	Outfall removed	Maria Creek
037	S-332 037	38°, 55', 5"	87°, 16', 10"	Reclamation	Pollard Ditch
038	S-329 038	38°, 55', 0"	87°, 16', 40"	Outfall removed	Pollard Ditch
039	S-329 039	38°, 55', 10"	87°, 16', 50"	Outfall removed	Pollard Ditch
040	S-329 040	38°, 55', 15"	87°, 16', 55"	Outfall removed	Pollard Ditch
041	S-329 041	38°, 55', 25"	87°, 16', 60"	Outfall removed	Pollard Ditch
042	S-332 042	38°, 00, 35"	87°, 17', 30"	Reclamation	Middle Fork Creek
043	S-332	39°, 0', 35"	87°, 17', 30"	Outfall removed	Middle Fork

	043				
044	S-332 044	39°, 0', 50"	87°, 18', 5"	Outfall removed	Middle Fork
045	S-332 045	39°, 1', 0"	87°, 17', 60"	Outfall removed	Middle Fork
046	S-332 046	39°, 1', 5"	87°, 17', 55"	Outfall removed	Middle Fork
047	S-332 047	39°, 1', 10"	87°, 17', 40"	Outfall removed	Middle Fork
048	S-332 048	39°, 1', 5"	87°, 17', 60"	Outfall removed	Middle Fork
049	S-332 049	39°, 1', 15"	87°, 16', 10"	Outfall removed	Black Creek
050	S-332 050	39°, 1', 15"	87°, 15', 50"	Outfall removed	Black Creek
051	S-332 051	39°, 1', 15"	87°, 15', 40"	Outfall removed	Black Creek

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2010 – 5D -GP

DATE OF NOTICE: May 14, 2010

The Office of Water Quality issues the following NPDES GENERAL PERMIT.

MODIFICATION

CONSERVANCY RESOURCES, LLC – HAWTHORN MINE, Permit No. ING040010, SULLIVAN COUNTY, Carlisle, IN. This modification is being issued because the facility is deleting several outfalls. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.

Conservancy

Resources, LLC

7100 Eagle Crest Boulevard
Suite 200
Evansville, Indiana 47715-8152
812. 434.8500
Fax 812.424.9064

IDEM
OFFICE OF
WATER QUALITY

April 7, 2010

2010 APR -9 A 10:27

Indiana Department of Environmental Management
Office of Water Management
Permit Section
Mail Code 65-42
100 North Senate Avenue
Indianapolis, Indiana 46206-6015

RE: Revisions to NPDES Permit ING040010
Hawthorn Mine

To Whom It May Concern:

Conservancy Resources, Hawthorn Mine is submitting this Amended NOI letter in order to delete various NPDES points. Hawthorn Mine was closed in December of 1999 and has continued sampling and monitoring several sites during reclamation activities. Reclamation work has been completed and as obligations with or mining permits are completed revisions to our NPDES permit ING040010 will also be requested.

In conjunction with the Department of Natural Resources the following sites have been reviewed and determined to be releasable from further monitoring.

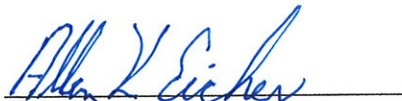
032, 030, 035, 029, 017, 016, 015, 003, 002, 014.

Upon completion of this request the NPDES sites listed below will continue to be sampled in accordance with our permit.

004, 005.

If you should have questions, please give me a call at (812) 434-8546

Sincerely,



Allen K. Eicher

Authorized Representative

cc: T. Sellers (DNR)
K. Rogers (Conservancy Resources, LLC)

